

Northeast Dairy Compact Commission

§ 1361.1

(b) Subtract 50% from the total value computed pursuant to paragraph (a) of this section to be used for the per farm payments to producers who submitted documentation pursuant to §1309.4(a);

(c) Divide the resulting amount by the sum of all milk production reported by producers qualified pursuant to §1309.1 and who submitted documentation pursuant to §1309.4(a).

§ 1309.3 Supply management-settlement fund.

(a) The compact commission shall establish and maintain a separate fund known as the supply management-settlement fund. It shall deposit into the fund all amounts deducted pursuant to §1306.3(e) of this chapter. It shall pay from the fund all amounts due producers pursuant to §1309.4;

(b) All amounts subtracted under §1309.2(c), including interest earned thereon, shall remain in the supply management-settlement fund as an obligated balance until it is withdrawn for the purpose of effectuating §1309.4;

(c) The compact commission shall place all monies subtracted under §1306.3(e) of this chapter in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such monies, or invest them in short-term U.S. Government securities;

(d) If, after payments to producers of supply management refund pursuant to §1309.4 there is a surplus in the fund, it is to be returned to the producer-settlement fund.

(e) The supply management program will continue through the operation of the compact over-order price regulation. If the refund year is six months or less, the supply management-settlement fund is to be returned to the producer-settlement fund.

§ 1309.4 Payment to producers of supply management refund.

(a) All producers who are qualified pursuant to §1309.1 shall become eligible to receive payment of the supply management refund computed pursuant to §1309.2 by submitting to the compact commission documentation that the producer milk production during the refund year is less than or the increase is not more than 1% of the

milk production of the preceding calendar year. Such documentation shall be filed with the commission not later than 45 days after the end of the refund year.

(b) The commission will make payment to all producers qualified pursuant to §1309.1 and eligible pursuant to paragraph (a) of this section in the following manner:

(1) A per farm payment computed by dividing the amount subtracted pursuant to §1309.2(b) by the total eligible producers; and

(2) The value determined by multiplying the supply management refund price computed pursuant to §1309.2(e) by the producer's milk pounds, not to exceed \$12,000.

PART 1361—RULEMAKING PROCEDURES

Sec.

1361.1 Applicability.

1361.2 Commencement of proceedings.

1361.3 Notice.

1361.4 Submission of written comment and exhibits independent of the hearing.

1361.5 Conduct of the hearing.

1361.6 Availability of the transcript.

1361.7 Additional comment and proposed findings by interested persons.

1361.8 Commission deliberation and decision; proposed regulation; proposed findings.

1361.9 Effective date of regulation.

1361.10 Handler's right to petition for administrative review; Judicial review.

1361.11 Ex parte communications.

AUTHORITY: 7 U.S.C. 7256.

SOURCE: 63 FR 37756, July 14, 1998, unless otherwise noted.

§ 1361.1 Applicability.

This section applies to:

(a) The establishment of a compact over-order price regulation, as defined in subsection 2(8) of the Compact, including any provision with respect to milk supply under subsection 9(f) of the Compact;

(b) Any amendment of such over-order price regulation or provision with respect to milk supply; and

(c) Any process initiated by the Compact Commission in which the subjects and issues involved relate to such price regulation or provision with respect to